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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,506	01/31/2002	Case C. Grogan	003/243/SAP	5120

7590 07/10/2008  
ATTN: MCMR-JA (Ms. Elizabeth Arwine- PATENT ATTY)  
U. S. Army Medical Research and Materiel Command  
504 Scott Street  
Fort Detrick, MD 21702-5012

EXAMINER
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PARKIN, JEFFREY S

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1648

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



**Serial No.: 10/066,506**

**Applicants: Grogan, C. C., et al.**

**Docket No.: 003/243/SAP**

**Filing Date : 01/31/2002**

**Detailed Office Action**

***Status of the Claims***

Acknowledgement is hereby made of receipt and entry of the communication filed 21 March, 2008. Claims 19-36 and 49-68 are pending in the instant application. Claim 31 stands withdrawn from further consideration by the examiner, pursuant to 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention. This claim will NOT be rejoined because it is not directed toward a process claim that depends from or otherwise includes all the limitations of the allowed product claims.

***35 U.S.C. § 112, Second Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The previous rejection of claims 35 and 36 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is hereby withdrawn in response to applicants' amendment.

***35 U.S.C. § 101***

The following is a quotation of 35 U.S.C. § 101 which reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent

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therefore, subject to the conditions and requirements of this title.

The previous rejection of claims 32 and 34 under 35 U.S.C. § 101 because the claimed invention is directed toward non-statutory subject matter, is hereby withdrawn in response to applicants' amendment.

#### ***Claim Objections***

The previous objection to claim 33 as being dependent upon a rejected base claim is hereby withdrawn in response to applicants' amendment.

#### ***Ex parte Quayle***

Claims 19-30, 32-36, and 49-68 appear to be free of the prior art of record and are allowable. Accordingly, this application is in condition for allowance except for the following formal matters: withdrawn claim 31 is still pending in the instant application. It is suggested that applicants cancel the claim in response to this Office action. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

#### ***Correspondence***

Any inquiry concerning this communication should be directed to Jeffrey S. Parkin, Ph.D., whose telephone number is (571) 272-0908. The examiner can normally be reached Monday through Thursday from 10:30 AM to 9:00 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Bruce R. Campell, Ph.D., can be reached at (571) 272-0974. Direct

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general status inquiries to the Technology Center 1600 receptionist at (571) 272-1600. Informal communications may be submitted to the Examiner's RightFAX account at (571) 273-0908.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,

/Jeffrey S. Parkin, Ph.D./  
Primary Examiner, Art Unit 1648

07 July, 2008